

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AGGIE JOE GALLEGOS,

Plaintiffs,

v.

Civ. No. 09-0298 ACT/WDS


**MARTIN CHAVEZ, Individually and In his Official
Capacity as Mayor of the City of Albuquerque,
RAY SCHULTZ , Individually and in his Official
Capacity as Chief of Police of the City of Albuquerque,
BYRON ECONOMIDY, Individually and in his Official
Capacity as Officer of the Albuquerque Police Department,
JAY SCHWARTZ, Individually and in his Official Capacity
as Officer of the Albuquerque Police Department,
ZAK CONTRELL, Individually and in his Official Capacity
as Officers of the Albuquerque Police Department,
DON PIATT, Individually and in his Official Capacity
as Officers of the Albuquerque Police Department,
ERIC MARTINEZ, Individually and in his Official Capacity
as Officers of the Albuquerque Police Department,
THE CITY OF ALBUQUERQUE, Albuquerque Police Department,
a Municipal Entity Organized Under the Laws of the
State of New Mexico, and its Law Enforcement Agency,**

Defendants.

JUDGMENT AS A MATTER OF LAW

Defendant Eric Martinez moved pursuant to FED. R. CIV. P. 50 for judgment as a matter of law following the presentation of Plaintiff's case. The Court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for Plaintiff as to this Defendant.

THEREFORE, judgment is hereby entered in favor of Defendant Eric Martinez as to all claims raised against him in this matter.


ALAN C. TORGERSON
United States Magistrate Judge,
Presiding by Consent